United Nations S/AC.55/2014/17

Security Council

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2 May 2014
English
Original: Spanish

Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic

Letter dated 29 April 2014 from the Permanent Representative of Mexico to the United Nations addressed to the Chair of the Committee

I have the honour to refer to Security Council resolutions 2127 (2013) and 2134 (2014) concerning the Central African Republic, in particular paragraph 42 of resolution 2134 (2014), by which the Council calls upon all Member States to report on the steps they have taken with a view to implementing paragraph 54 of resolution 2127 (2013) and paragraphs 30 and 32 of resolution 2134 (2014). I wish to transmit herewith the comments of the Government of Mexico in that connection (see annex).

(*Signed*) Jorge **Montano**
Ambassador
Permanent Representative to the United Nations

14-54088 (E) 030614 060614

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Annex to the letter dated 29 April 2014 from the Permanent Representative of Mexico to the United Nations addressed to the Chair of the Committee

Implementation of resolutions 2127 (2013) and 2134 (2014) concerning the Security Council sanctions regime against the Central African Republic

Report of Mexico

Pursuant to paragraph 58 of Security Council resolution 2127 (2013) and paragraph 42 of Security Council resolution 2134 (2014), by which the Council calls upon all Member States to report on the steps they have taken with a view to implementing the measures contained in these resolutions, Mexico hereby submits to the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic 2127 (2013) a report on the steps its Government has taken with a view to implementing the sanctions regime against the Central African Republic.

A. Arms embargo

- The External Trade Commission of the Ministry of Economic Affairs, at its second special meeting, held on 30 January 2014, approved an amendment to the decision prohibiting the export or import of various goods to and from countries, entities and individuals designated therein (published on 29 November 2012 in the Diario Oficial de la Federación (Official Gazette of the Federation)), to include the Central African Republic as a country subject to an embargo. With this reform, which is pending publication in the Diario Oficial de la Federación, the Government has taken the necessary steps referred to in resolution 2127 (2013) with a view to preventing the direct or indirect supply, sale or transfer to the Central African Republic of arms and related materiel of any type, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for all the latter.

- Pursuant to the decision setting out the requirement of prior authorization from the Ministry of Economic Affairs for the export of conventional arms and their related parts and components, dual-use goods, software and technologies that may be diverted to the manufacture and proliferation of conventional arms and weapons of mass destruction, published on 16 June 2011, and the successive amendments thereto, sufficient steps have also been taken to prevent trading in controlled goods with countries that are subject to an embargo. Based on that decision, the Ministry of Economic Affairs will refuse to issue an export permit if the final destination is any of the countries subject to a Security Council sanctions regime or embargo. This would therefore apply to permits for exports destined for the Central African Republic.

- The National Security Commission of the Ministry of the Interior and the Ministry of Defence disseminated to the relevant entities of these ministries the measures contained in resolution 2127 (2013), with a view to preventing

the direct or indirect supply, sale or transfer to the Central African Republic, from or through Mexican territory, or using Mexico-flagged vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial or other assistance, related to military activities or the maintenance or use of any arms.

- The National Commission for Nuclear Safety and Safeguards (Comisión Nacional de Seguridad Nuclear y Salvaguardias-CNSNS) took note of the materiel listed in resolution 2127 (2013) that may be subject to export control, to ensure that such materiel is not exported to the Central African Republic, in accordance with paragraphs 54 and 55 of the resolution.

B. Travel ban

- The Ministry of Foreign Affairs, based on its internal rules and the Immigration Act and its regulations, provided the National Migration Institute with data on individuals subject to a travel ban designated by the Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic, for incorporation into the migration control lists, in order to prevent the entry into or transit through Mexican territory of such individuals.
- The National Immigration Institute, through its National Alert Centre, adopted the relevant measures regarding the immigration control lists and the Electronic Immigration Procedures System Alert Module in order to implement Security Council resolutions 2127 (2013) and 2134 (2014).
- The Criminal Investigation Agency of the Office of the Attorney General of the Republic has established the relevant alert signals as part of international police efforts, in order to implement the measures established against persons designated by the Sanctions Committee, in accordance with Security Council resolutions 2127 (2013) and 2134 (2014).
- The Civil Aviation Directorate of the Ministry of Communications and Transport notified airport authorities, air transport operators and license holders about the sanctions regime against the Central African Republic, to ensure that they report to the competent authorities any type of movement or operation they notice regarding that country.

Lastly, the Organized Crimes Investigation Unit of the Office of the Attorney General of the Republic took note of the content and scope of resolutions 2127 (2013) and 2134 (2014), to ensure that if it notices actions that violate these resolutions, it would proceed as set forth in the Federal Criminal Code, the Federal Code of Criminal Procedure, the Federal Firearms and Explosives Act, and the Organic Law of the Office of the Attorney General.

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8 May 2014

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Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic

Note verbale dated 6 May 2014 from the Permanent Mission of Saudi Arabia to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Saudi Arabia to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic, and has the honour to transmit herewith, pursuant to Security Council resolutions 2127 (2013) and 2134 (2014), the report of Saudi Arabia on implementation (see annex).

14-54089 (E) 040614

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Annex to the note verbale dated 6 May 2014 from the Permanent Mission of Saudi Arabia to the United Nations addressed to the Chair of the Committee

[Original: Arabic]

We wish to provide the following information:

Security Council resolutions 2127 (2013) and 2134 (2014) have been disseminated to all sectors of the armed forces and competent security agencies, which are bound by their provisions. Saudi Arabia has an obligation to implement Security Council resolutions adopted under Chapter VII of the Charter of the United Nations. The provisions of the resolution have been circulated to all financial institutions, banks and banking companies in the country, all relevant trading and industrial entities and all border crossings by air, land and sea for implementation and appropriate action in accordance with the country's obligations.

Saudi Arabian ports have not taken delivery of any goods pertaining to the Central African Republic since the start of 2013.

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27 May 2014
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Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic

Note verbale dated 7 May 2014 from the Permanent Mission of France to the United Nations addressed to the Chair of the Committee

The Permanent Mission of France to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic, and has the honour to inform it of the following:

In paragraph 42 of Security Council resolution 2134 (2014), the Council "calls upon all Member States to report to the Committee within ninety days from the adoption of this resolution on the steps they have taken with a view to implementing effectively paragraph 54 of resolution 2127 (2013) and paragraphs 30 and 32 of this resolution".

In accordance with this provision, France wishes to bring the following information to the attention of the Security Council on the steps it has taken with a view to implementing this text:

1. *European regime*

Pursuant to resolutions 2127 (2013) and 2134 (2014), the European Union adopted Council Decision 2014/125/CFSP of 10 March 2014 amending Decision 2013/798/CFSP concerning restrictive measures against the Central African Republic, and Council Regulation No. 224/2014 concerning restrictive measures in view of the situation in the Central African Republic. Both decision and the regulation are immediately applicable in France.

The French authorities base their export decisions not only on the above-mentioned decision and regulation, but also, and in particular, on criteria set out in international treaties, conventions or instruments to which France has acceded, including Criterion One of Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment, which refers to "respect for the international obligations and commitments of Member States, in particular the sanctions adopted by the United Nations Security Council or the European Union [...]. An export licence

shall be denied if approval would be inconsistent with, inter alia [...], the international obligations of Member States and their commitments to enforce United Nations [and] European Union arms embargoes [...].

2. *Regime in France*

The French regime for control of exports of military and related equipment is based on general principles:

- Prohibition, unless authorized by the State and under its control: this principle, which is justified by the unique nature of the arms trade, is captured in legislation (articles L-2335-2 and 3 of the Defence Code);
- Ongoing interministerial coordination and consultation: control of exports is under the responsibility of the Prime Minister.

Any request for authorization for the export of military and related equipment, including those destined for a country subject to restrictive measures, is therefore considered within this framework, in order to fully implement the restrictive measures established by such bodies as the United Nations and the European Union.

Lastly, since the Sanctions Committee has not yet made any designation, no asset freeze or travel ban has been implemented in the country.

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Security Council

Distr.: General
27 May 2014

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Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic

Letter dated 14 May 2014 from the United States Mission to the United Nations addressed to the Chair of the Committee

The United States Mission to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic and has the honour to enclose the report of the United States of America on the implementation of the sanctions requested in Security Council resolution 2134 (2014) (see annex).

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Annex to the letter dated 14 May 2014 from the United States Mission to the United Nations addressed to the Chair of the Committee

Report of the United States of America on its implementation of Security Council resolutions 2127 (2013) and 2134 (2014)

Arms embargo

The transfer or export of United States defence articles and defence services is controlled by the Arms Export Control Act. The Act is the governing statutory authority for Government-to-Government agreements (the foreign military sales system) and the licensing of direct commercial sales. The International Traffic in Arms Regulations implement the Act and regulate the licensing system for direct commercial sales. The Act and the Regulations serve as the basis for United States compliance with the arms embargo imposed on the Central African Republic by Security Council resolution 2127 (2013).

The United States munitions export control system is designed to deny access to defence equipment and technology of United States origin to adversaries and parties whose interests are inimical to those of the United States. The export control process is closely regulated and excludes the participation of parties that are embargoed by the United Nations or are otherwise ineligible.

The United States requires all United States persons that manufacture or export defence articles or furnish defence services, as well as United States and foreign persons engaged in arms brokering, to register with the United States Department of State. Once registered, any export of defence articles, furnishing of defence services or brokering thereof must be authorized through a licence or other authorization by the Department of State. Direct commercial sales are subject to end-use monitoring under the Arms Export Control Act as implemented by the Department of State's Blue Lantern programme. Arms export control violations, including provision of defence articles and technology to ineligible persons, are subject to strict penalties, both criminal (including a prison sentence of 20 years and/or a fine of $1 million for each violation) and civil (debarment from participation in United States defence trade and monetary penalties of up to $500,000 for each violation).

The United States Department of State published an amendment to the International Traffic in Arms Regulations (Federal Register, vol. 79, No. 74, p. 21616, effective 17 April 2014) to reflect and implement the provisions contained in paragraph 54 of resolution 2127 (2013).

As stated in the Federal Register notice containing that amendment:

Central African Republic. It is the policy of the United States to deny licenses or other approvals for exports or imports of defense articles and defense services destined for or originating in the Central African Republic, except that a license or other approval may be issued, on a case-by-case basis, for:

(1) Defense articles intended solely for the support of or use by the International Support Mission to the Central African Republic (MISCA); the UN Integrated Peacebuilding Office in the Central African Republic (BINUCA) and its guard unit, the African Union Regional Task Force (AU-RTF); and the

French forces and European Union operation deployed in the Central African Republic;

(2) Non-lethal military equipment, and related technical assistance and training, when intended solely for humanitarian and protective use, as approved in advance by the Committee of the Security Council concerning the Central African Republic;

(3) Personal protective gear temporarily exported to the Central African Republic by United Nations personnel, representatives of the media, and humanitarian and developmental workers and associated personnel, for their personal use only;

(4) Small arms and related equipment intended solely for use in international patrols providing security in the Sangha River Tri-national Protected Area to defend against poaching, smuggling of ivory and arms, and other activities contrary to the laws of the Central African Republic or its international legal obligations;

(5) Arms and related lethal military equipment for Central African Republic security forces, intended solely for support of or use in security sector reform, as approved in advance by the Committee of the Security Council concerning the Central African Republic; or

(6) Other sales or supply of arms and related materiel, or provision of assistance or personnel, as approved in advance by the Committee of the Security Council concerning the Central African Republic.

The United States intends to consider further implementing measures as may be appropriate, including in the light of paragraph 37 of Security Council resolution 2149 (2014).

Travel ban

Under the applicable provisions of United States law, including section 212 (f) of the Immigration and Nationality Act of 1952 (United States Code, title 8, sect. 1182 (f)), the United States has the authority necessary to prevent the entry into or transit through United States territories of individuals designated by the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic, provided that those individuals are not nationals of the United States. To the extent consistent with United States law, the United States may permit entry into or transit through its territory of such individuals in cases where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation, where entry or transit is necessary for the fulfilment of a judicial process, or where the Committee determines on a case-by-case basis that an exemption would further the objectives of peace and national reconciliation in the Central African Republic and stability in the region.

Assets freeze

Under the applicable provisions of United States law, including the International Emergency Economic Powers Act (United States Code, title 50, sect. 1701 ff.), the National Emergencies Act (United States Code, title 50, sect. 1601 ff.), section 5 of

the United Nations Participation Act of 1945, as amended (United States Code, title 22, sect. 287c), and section 301 of title 3 of the United States Code, the United States has the authority to take the measures necessary to implement an assets freeze imposed by Security Council resolution 2134 (2014).